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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,514	09/16/2003	Richard J. Schneider	4164-338	4643
7590 09/20/2004			EXAMINER	
Marger Johnson & McCollom, P.C. 1030 S.W. Morrison Street Portland, OR 97206			RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 09/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/664,514

Applicant(s)

SCHNEIDER ET AL.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/256,949.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/4/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the program diagram of claims 2-23 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen (Pub. US 2002/0071557).

4. Nguyen discloses the following:

Encrypting a message on the network (figure 3), transmitting the message to one of the gaming machines (paragraph 0044), decrypting the message at the gaming machine (paragraph 44), and providing a function in response to the message (summary) as recited in claim 2.

The encrypting the message and decrypting the message is accomplished with a private key pair (paragraphs 0044-0045) as recited in claim 3.

The encrypting the message comprises signing the message (paragraph 0047 and 0061-0062) as recited in claims 4 and 14.

The encrypting the message comprises verifying the message (paragraph 0047 and 0061-0062) as recited in claims 5 and 15.

The encrypting the message comprises both signing and verifying the message (paragraph 0047 and 0061-0062) as recited in claims 6 and 16.

Periodically changing the private key pair (paragraph 0045) as recited in claims 7 and 17.

Identifying the key pair that encrypted the message (ID number in paragraph 0045) as recited in claims 8 and 18.

Identifying the key pair having associating a session number with each key pair (ID number in paragraph 0045) as recited in claims 9 and 19.

Establishing a first key at a first node associated with a gaming machine, establishing a second key at a second node on the network remote from the gaming machine (figure 3), encrypting a message at one of the nodes, transmitting the message to the other node, and decrypting the message at the second node (paragraph 0044-0047) as recited in claim 10.

The message originates at the first node and include data indicating an amount played at the gaming machine, in which the examiner interprets the gaming transaction data capable of encompassing the data indicating an amount played at the gaming machine (paragraph 0016) as recited in claim 11.

The second node is associated with a network computer that receives messages from multiple gaming machines on the network, the messages each including data indicating an amount played on one of the gaming machines, in which the examiner interprets the gaming transaction data capable of encompassing the data indicating an amount played on one of the gaming machines (paragraph 0016) as recited in claim 12.

The encrypting the message and decrypting the message is accomplished with a private key pair (paragraph 0045) as recited in claim 13.

A first node associated with a gaming machine on the network, a second node located on the network remote from the first node (figure 3), a key pair, one key being associated with the first node and the other key being associated with the second node, and a process operable at each node to encrypt messages between the nodes using the key pair (paragraph 0044-0047) as recited in claim 21.

The key pair having a private key pair (paragraph 0045) as recited in claim 22.

The key pairs are periodically changed and the network having a process operable to identify each key pair (paragraph 0044-0047) as recited in claim 23.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (Pub. US 2002/0071557) in view of Weiss et al (US 6,071,190).

7. Nguyen discloses the claimed invention as discussed above except for the following:

The message originates at the second node and includes data indicating a bonus payable at the gaming machine as recited in claim 20.

Weiss teaches the following:

The message originates at the second node, in which the examiner interprets the message to be the data outcome of the second processing area 60, and includes data indicating a bonus payable at a gaming machine (column 7, lines 17-65) as recited in claim 20. By having secured message to indicate a bonus payout, one of ordinary skill in the art would provide game players with a secure gaming device, which precludes counterfeiting, tampering or modification of critical gaming functions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the transaction data of Nguyen to include data indicating a bonus payable as taught by Weiss to provide game players with a secure gaming device, which precludes counterfeiting, tampering or modification of critical gaming functions.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brosnan et al (Pub. 2002/0165023), Jackson et al (Pub. 2002/0049909), Lvov '011, Howington (Pub 2002/0152120) and Arnold '716 all disclose different types cryptographic and/or player tracking type systems.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
APR

  
JESSICA HARRISON  
PRIMARY EXAMINER